

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 2339B(a)(1) – Attempting to Provide Material Support or Resources to Designated Foreign Terrorist Organization; 18 U.S.C. § 1029(a)(4) – Possession of Device Making Equipment; 18 U.S.C. § 1029(a)(2) – Using an Unauthorized Access Device; 18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

PENALTY: Please see attachment

- Petty
 Minor
 Misdemeanor
 Felony

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

AMER SINAN ALHAGGAGI

DISTRICT COURT NUMBER

FILED

JUL 21 2017

DEFENDANT

CR17 0387

JST

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

MAGISTRATE CASE NO.

4:16-CR-71531

Name and Office of Person Furnishing Information on this form Brian J. Stretch

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

S. W. Hasib

IS NOT IN CUSTODY

SUSAN Y. SOON is not been arrested, pending outcome this proceeding. If defendant was detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction

} Federal State

6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

} If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

AMER SINAN ALHAGGAGI

<u>Count</u>	<u>Offense</u>	<u>Maximum Penalty</u>
1	18 U.S.C. § 2339B(a)(1) – Attempting to Provide Material Support or Resources to Designated Foreign Terrorist Organization	20 years in prison Lifetime supervised release \$250,000 fine \$100 special assessment Forfeiture
2	18 U.S.C. § 1029(a)(4) – Possession of Device Making Equipment	15 years in prison 3 years supervised release \$250,000 fine \$100 special assessment Forfeiture
3	18 U.S.C. § 1029(a)(2) – Using an Unauthorized Access Device	10 years in prison 3 years supervised released \$250,000 fine \$100 special assessment
4	18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft	Mandatory 2 years in prison 3 years supervised released \$250,000 fine \$100 special assessment

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FILED

JUL 21 2017

VENUE: OAKLAND

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

C R 17 0387 JST

AMER SINAN ALHAGGAGI,

DEFENDANT(S).

INDICTMENT

- 18 U.S.C. § 2339B(a)(1) – Attempting to Provide Material Support or Resources to Designated Foreign Terrorist Organization;
18 U.S.C. § 1029(a)(4) – Possession of Device Making Equipment;
18 U.S.C. § 1029(a)(2) – Using an Unauthorized Access Device;
18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

A true bill.

Karen Williams

Foreman

Filed in open court this 20 day of

July 2017
M. Ferguson

Clerk

SALLIE KIM
United States Magistrate Judge

Bail, \$

~~NO PROCESS~~

Sallie Kim

1 BRIAN J. STRETCH (CABN 163973)
2 United States Attorney
3
4

FILED

JUL 21 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SN

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 12 UNITED STATES OF AMERICA,

CR17 0387 JST
CASE NO.

13 Plaintiff,

) VIOLATIONS: 18 U.S.C. § 2339B(a)(1) –
14 v.) Attempting to Provide Material Support or Resources
15 AMER SINAN ALHAGGAGI,) To Designated Foreign Terrorist Organizations; 18
16 Defendant.) U.S.C. § 1029(a)(4) – Possession of Device-Making
17) Equipment; 18 U.S.C. § 1029(a)(2) – Using an
18) Unauthorized Access Device; 18 U.S.C.) § 1028A(a)(1) – Aggravated Identity Theft; 18 U.S.C.
) §§ 981(a)(1)(C), 981(a)(1)(G)(i), 1029(c)(1)(C), 28
) U.S.C. § 2461(c) – Forfeiture
) SAN FRANCISCO VENUE

19 INDICTMENT

20 The Grand Jury charges:

21 BACKGROUND ON ISIS

22 1. On or about October 15, 2004, the United States Secretary of State designated al-Qa'ida
23 in Iraq (“AQI”), then known as Jam’at al Tawhid wa’al-Jihad, as a Foreign Terrorist Organization
24 (“FTO”) under Section 219 of the Immigration and Nationality Act and as a Specially Designated
25 Global Terrorist entity under Section 1(b) of Executive Order 13224.

26 2. On or about May 15, 2014, the Secretary of State amended the designation of AQI as an
27 FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global
28

INDICTMENT

1 Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the
2 Levant (“ISIL”) as its primary name. The Secretary of State also added the following aliases to the FTO
3 listing: the Islamic State of Iraq and al-Sham (“ISIS”-- which is how the FTO will be referenced
4 herein), the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-Iraq wa-sh-Sham, Daesh, Dawla
5 al Islamiya, and al-Furqan Establishment for Media Production.

6 3. On or about September 21, 2014, then-ISIL spokesperson Abu Muhammad al-Adnani
7 called for attacks against citizens - civilian or military - of the countries participating in the United
8 States-led coalition against ISIS.

9 4. On or about September 21, 2015, the Secretary added the following aliases to the ISIS
10 listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

COUNT ONE: (18 U.S.C. § 2339B(a)(1) –Attempting to Provide Material Support or Resources to Designated Foreign Terrorist Organizations)

13 ||| 5. Paragraphs 1 through 4 are incorporated herein.

14 6. Beginning on a date unknown, but no later than July 24, 2016, and continuing until
15 November 29, 2016, in the Northern District of California and elsewhere, the defendant,

AMER SINAN ALHAGGAGI,

knowingly attempted to provide “material support or resources,” as that term is defined in Title 18, United States Code, Section 2339A(b), specifically, services, by opening social media accounts understanding and intending that such accounts were to be used by, and for the benefit and promotion of, ISIS, and personnel, in the form of himself, to a foreign terrorist organization, namely, ISIS, knowing that ISIS was a designated foreign terrorist organization and that ISIS engages and has engaged in terrorist activity and terrorism, in violation of Title 18, United States Code, Section 2339B(a)(1).

INDICTMENT

COUNT TWO: (18 U.S.C. § 1029(a)(4) – Fraudulent Possession of Access Device-Making Equipment)

7. On or about November 29, 2016, in the Northern District of California, the defendant,

AMER SINAN ALHAGGAGI,

knowingly, and with intent to defraud, trafficked in, had control and custody of, and possessed device-making equipment, and in doing so, affected interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(4).

COUNT THREE: (18 U.S.C. § 1029(a)(2) – Using an Unauthorized Access Device)

8. Between on or about July 20, 2016, and continuing until at least on or about August 1,

2016, in the Northern District of California and elsewhere, the defendant,

AMER SINAN ALHAGGAGI,

knowingly, and with intent to defraud, used one and more unauthorized access devices, specifically a Visa debit card bearing the account number and first and last names of N.C., and by such conduct obtained things of value worth \$1,000 or more, and in doing so, affected interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(2).

COUNT FOUR: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

9. Between on or about July 20, 2016, and continuing until at least on or about August 1,

2016, in the Northern District of California and elsewhere, the defendant,

AMER SINAN ALHAGGAGI,

during and in relation to a felony violation of 18 U.S.C. § 1029(a)(2), as alleged in Count Three, knowingly possessed and used, without lawful authority, a means of identification of another person, specifically a Visa debit card bearing the account number and first and last names of N.C., knowing that the means of identification belonged to another person, in violation of Title 18, United States Code, Section 1028A(a)(1).

INDICTMENT

FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G), 1029(c)(1)(C), and 28 U.S.C. § 2461(c))

10. The factual allegations contained in Counts One through Three of this Indictment are hereby realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code Sections 981(a)(1)(C), 981(a)(1)(G)(i), 1029(c)(1)(C) and Title 28, United States Code, Section 2461(c)..

11. Upon conviction of the offense alleged in Count One of this Indictment, the defendant,

AMER SINAN ALHAGGAGI,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 981(a)(1)(G)(i), all assets, foreign or domestic, of the defendant, upon his conviction for planning or perpetrating any Federal crime of terrorism against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization.

12. Upon conviction of the offenses alleged in Counts Two and Three of this Indictment, the defendant,

AMER SINAN ALHAGGAGI,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 1029(c)(1)(C) any real or personal property that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the defendant is convicted, or any personal property used or intended to be used to commit the offense.

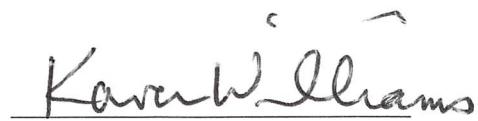
INDICTMENT

1 All pursuant to 18 U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G)(i), and 1029(c)(1)(C), and Title 28,
2 United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

3 DATED:

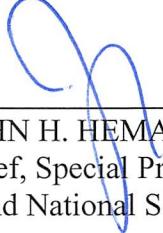
A TRUE BILL.

4 July 20, 2017
5
6


7 Karen Williams
8 FOREPERSON

9 BRIAN J. STRETCH
10 United States Attorney

11 BARBARA J. VALLIERE
12 Chief, Criminal Division

13 (Approved as to form: )
14 JOHN H. HEMANN
15 Chief, Special Prosecutions
16 and National Security Unit
17
18
19
20
21
22
23
24
25
26
27
28

INDICTMENT